

Child Removal And Reunification



Legislative Oversight And Investigations Committee

September 12, 2024

Child Dependency, Neglect, and Abuse Case Process



Report of Child DNA

← Anonymous/Self-Identified Reporting

In-Person Fact Gathering

← Removal Determination Process

Court Ordered Removed

← Formal Recourse Available

Permanency Plan Created

← Formal Recourse Available

Reunification Or Permanency

← Plan Completion and Reunification

← Formal Recourse Available



Reporting Child DNA

Report of Child DNA

Anonymous/Self-Identified Reporting

- In-Person Fact Gathering
- Court Orders Child Removed
- Permanency Plan Created
- Reunification

Year	# Reports	% Accepted
2018	110,088	51.1%
2019	107,869	46.9
2020	89,849	50.0
2021	90,311	43.0
2022	99,039	40.6
2023	98,839	41.6
Total	595,995	45.7%

Acceptance Criteria:

- Victim 17 years or younger
- Perpetrator was caregiver
- Meets Kentucky’s jurisdiction requirements

See Table 2.1, page 7

Gathering Case Information



Report of Child DNA

- In-Person Fact Gathering
- Court Orders Child Removed
- Permanency Plan Created
- Reunification



DCBS Investigator

- Did alleged incident occur?
- Safety assessment
- Risk assessment

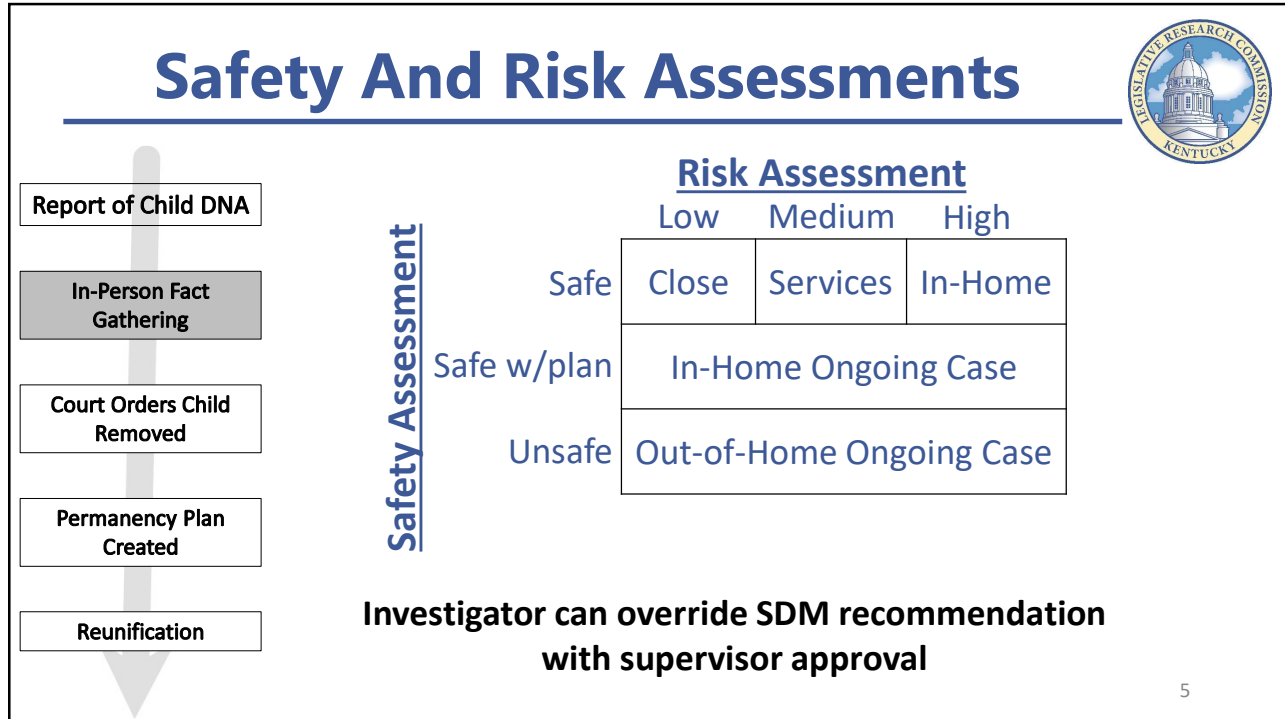
Prior to October 2022

Assessment and Documentation Tool

October 2022 to Present

SDM Safety and Risk Assessment Tools

Both tools comply with federal and state requirement



Investigations By DCBS Decision 2018 To 2023

Year	Close	In Home	Out of Home	Service Referral	Blank	Total
2018	44,040	9,631	2,851	--	34	56,286
2019	40,223	7,959	2,408	--	54	50,644
2020	36,251	6,495	2,161	--	62	44,969
2021	30,729	6,035	2,057	--	41	38,862
2022	33,087	5,172	1,933	44	22	40,258
2023	33,328	4,965	2,033	662	142	41,130

See Table 2.3, page 11

Child removed in 4.8 % of cases

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How Useful Is The SDM Safety And Risk Assessment Tool?

DCBS Decision	Close	In Home	Out of Home	Service Referral	Blank	Total	% of Total
Override	24,176	780	523	269	97	25,845	73.0%
Did not override	3,918	3,881	1,325	392	44	9,560	27.0%

See Table 2.4, page 12

- DCBS closed 266 cases where a child was found to be unsafe
- DCBS removed the child in 158 cases where the child was found to be safe
- Inability to explain patterns in aggregate case data



Safety and Risk Assessments: Summary of Concerns

- Blank SDM recommendations
- High override rate
- Inability to explain patterns in aggregate case data



Recommendation 2.1

The Department for Community Based Services should implement a process and schedule for evaluating all Structured Decision Making tools. Each evaluation should assess the tool's accuracy, its ability to provide data-driven explanation for agency decisions, and its impact on the agency's ability to protect children.

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Recommendation 2.2

The Department for Community Based Services should review all instances where a supervisor overrode Structured Decision Making tool recommendations. The review should identify necessary changes to improve the agency's transparency in decision making, including collecting additional facts about cases or modifying TWIST to enable more detailed analyses.

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Recommendation 2.3

The Department for Community Based Services should provide the Legislative Oversight and Investigations Committee a written update on its progress toward its evaluation of the Structured Decision Making tools by October 2025.



Emergency And Temporary Removal

Report of Child DNA

In-Person Fact Gathering

Court Orders Child Removed

Permanency Plan Created

Reunification

Emergency Custody Order places child in temporary custody of cabinet for 72 hours

Temporary Removal Hearing court proceeding that determines whether a child should be removed from their parent or guardian's custody while waiting for a final hearing.





Court Appointed Counsel

Report of Child DNA

In-Person Fact
Gathering

Court Orders Child
Removed

Permanency Plan
Created

Reunification

- Court appoints guardian ad litem (GAL) for child
- May appoint counsel for other parties
- Both receive no more than \$500 per case

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Judicial Appeals

- Appeal available following final ruling
- Standard of review is "clearly erroneous"
- Temporary removal is not appealable, however parties may petition for immediate entitlement to custody (KRS 620.110).
 - This is an original action, not an appeal.

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DCBS Internal Appeals

- Service Appeals
 - Challenge decisions about services/benefits
 - Alternative recourse for non-appealable issues: service complaints via Service Region Administrator or Ombudsman
- Child Abuse/Neglect Investigative Appeals

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Permanency Plans

Report of Child DNA

In-Person Fact
Gathering

Court Orders Child
Removed


Permanency Plan
Created

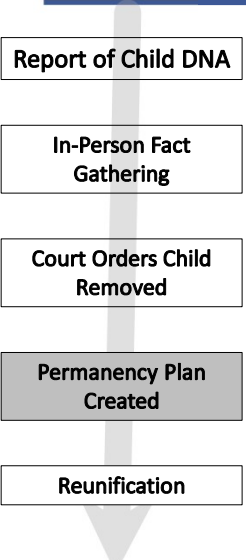
Reunification

- Outlines family responsibilities and permanency goal(s)
- Provides family guidance and keeps court informed of progress
- Reviewed by court every 6 months

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Insufficient Tracking of Permanency Plan Completion





- DCBS and the Administrative Office of the Courts (AOC) do not track aggregated data on permanency plan competition rates
- Unable to evaluate relationship between plan completion and reunification

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Family Court Judge Interviews





- Interviewed three Family Court judges
- Judges indicated they have ruled not to reunify families after case plan completion, but only in extreme circumstances

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Permanency Plans and Reunification: Summary of Concerns



- Inability to analyze aggregated data limits evaluation of reunification efforts.
- DCBS must update courts on family progress, data collection exist.
- Analyzing data could allow DCBS to identify trends and improve services.

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Recommendation 3.1



The Department for Community Based Services should implement systemic tracking of the completion status of permanency plans throughout an out-of-home care case. These data should be collected and analyzed in aggregate and across years to inform policy, program development, and service delivery improvements aimed at achieving permanency for children. The department should work with the Administrative Office of the Courts to ensure that how it tracks such data is compatible with the CourtNet data system.

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Questions

